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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Examining Operations

Applicant(s): Hayden et al

Serial No: 10/617,334

Art Unit: 1656

Filed: 10 July 2003

Examiner: Steadman, D.

TITLE: METHODS AND REAGENTS FOR MODULATING CHOLESTEROL
LEVELS

Docket No.: 760050-91

23 February 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmittal

Sir:

In response to the Office Action, dated 28 January 2009, Applicant herewith submits the following:

1. Response to Restriction Requirement (2 sheets);
2. Stamped, Self-addressed Post Card.


No additional fees are believed required in filing this response. The Commissioner is authorized to charge payment of any fees required for this communication or credit any overpayment to Deposit Account No. 03-0678.

Serial No.: 10/617,334
Docket No. 760050-91

FIRST CLASS CERTIFICATE

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

 2/23/09
Alan J. Grant, Esq. Date

Respectfully submitted,



Alan J. Grant, Esq.
Reg. No. 33,389

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Alexandria, VA 22313-1450

Response to Restriction Requirement

Sir:

In response to the Office Action, dated 28 January 2009, Applicants respond by electing species A (at paragraph [6], page 3, of the Office Action), drawn to a compound that increases ABC1 lipid transport activity by binding to an ABC1 polypeptide.

Applicants have not made any amendments to the claims at this time because the only generic claim is claim 24 (see Office Action at page 3, second full paragraph). The present election is applicable to all of the remaining claims. Thus, claims 25-27 recite particular lipids and lipid levels affected by an increase in ABC1 activity that would be affected by binding to a polypeptide to increase ABC1 enzyme activity, claim 49 and 57-61 recite different diseases, claims 63-66 recite different levels of increase in ABC1

activity due binding to the polypeptide and claims 67 and 68 recite specific cell types in which said activity is increased. Because all of these claim limitations are affected by a change in ABC1 polypeptide activity (due to binding of the agent to the polypeptide), all are relevant to Applicants' species election. Therefore, no currently examined claims should be withdrawn from consideration or canceled as a result of the election of species being made herein.

No fee is due in filing this response. The Commissioner is authorized to charge payment of any fees required for this communication or credit any overpayment to Deposit Account No. 03-0678.

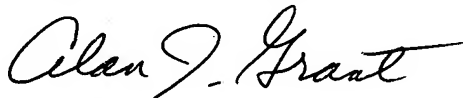
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